

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SMARTFLASH LLC, et al.**

**Plaintiffs,**

**v.**

**GOOGLE INC., et al.,**

**Defendants.**

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**C.A. No. 6:14-cv-435-JRG-KNM**

**JURY TRIAL DEMANDED**

**PLAINTIFFS SMARTFLASH LLC’S AND SMARTFLASH TECHNOLOGIES LIMITED’S  
MOTION TO EXPEDITE BRIEFING ON SMARTFLASH’S MOTION TO COMPEL**

Smartflash LLC and Smartflash Technologies Limited (“Smartflash”) respectfully request expedited briefing on their recently filed Motion to Compel. *See* Dkt. No. 157.

Smartflash first requested a lead and local meet and confer on a number of issues on April 20, 2015, for the following day. *See* Ex. A. Google Inc. (“Google”) at first insisted on an in-person lead and local meet and confer process, despite no such requirement existing in the Court’s Discovery Order. *See id.* Smartflash informed Google that it wished to adhere to the Court’s Discovery Order in this case, and that it hoped to complete briefing of any motion to compel prior to the *Markman* hearing. *See id.* On April 22, 2015, Smartflash and Google held a lead and local meet and confer on a number of issues. The following day, the parties exchanged their final positions on the topics discussed on the lead and local meet and confer, including whether the information sought in Smartflash’s Motion to Compel would be produced. Smartflash was prepared to file its motion to compel on Friday, April 24, 2015. However, due to Google’s promises to produce missing source code, Smartflash waited so that its experts could assess Google’s new code production before

filing—so as to not burden the Court with briefing on issues that had the potential to be mooted.

This process dragged out until yesterday, April 30, 2015, when Smartflash's experts confirmed (once again) that Google's piecemeal production was insufficient, and was missing relevant code.

Out of respect for the Court's time, and in an effort to consolidate as many issues as possible for the hearing, Smartflash has requested an oral argument on its Motion to Compel at the scheduled *Markman* hearing. Due to Google's delay, the deadline for a response to Smartflash's Motion to Compel is now past the already scheduled *Markman* hearing on May 14, 2015, and expedited briefing is necessary for the issue to be fully briefed before *Markman*. Absent expedited briefing, Google's response will not be due until May 18, 2015. Smartflash has attempted to reach an agreed briefing schedule with Google, but the parties were unable to reach agreement. *See* Ex. B.

Accordingly, Smartflash respectfully requests that Google be ordered to file its response no later than May 12, 2015, by 5:00PM Central Time.

DATED: May 1, 2015.

Respectfully submitted,

**CALDWELL CASSADY & CURRY**



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**ATTORNEYS FOR PLAINTIFFS  
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SMARTFLASH TECHNOLOGIES  
LIMITED**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on May 1, 2015. Local Rule CV-5(a)(3)(A).

/s/ Bradley W. Caldwell

Bradley W. Caldwell

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that, having conferred with counsel for Google, Google opposes this motion..

/s/ Bradley W. Caldwell

Bradley W. Caldwell